SAVANNAH DISTRICT
2017 NATIONWIDE PERMIT REGIONAL CONDITIONS

A. The Georgia Department of Natural Resources (Georgia DNR) issued a conditional Water Quality Certification and conditional concurrence with the federal consistency determination under the Coastal Zone Management Act for reauthorization of the use of Nationwide Permits (NWPs) to authorize impacts to waters of the U.S. in Georgia. **The conditions include a requirement that Georgia DNR be notified prior to beginning work on any and all NWP authorized projects.** Specifically, Georgia DNR requirements and notification procedures are set forth in Appendix A, which states that for uses of NWPs requiring submission of a Pre-Construction Notification (PCN) to the Savannah District prior to commencing work in waters of the U.S., a copy of the PCN with project plans must also be submitted to the Georgia DNR, Environmental Protection Division (Georgia EPD) and, where applicable, to the Georgia DNR, Coastal Resources Division (Georgia CRD). For NWP authorized projects that do not require submission of a PCN to the Savannah District, a complete Georgia DNR Notification Form that is in Appendix A must be submitted to Georgia EPD and, where applicable, to Georgia CRD, prior to commencing work. Refer to Appendix A for detailed instructions.

B. Pre-Construction Notification: (NOTE: PCN requirements below are specific to Georgia and in addition to those required under the Nationwide Permit Program, available at http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/).

1. A PCN is required for all uses of NWPs 11, 14, 15, 16, 23, 27, 32, 35, 36, 37, 43, and 48.

2. A PCN is required for all uses of NWP 13 in perennial streams. (NOTE: Unless a specific type of stream is identified in a RC, the term “stream” includes ephemeral, intermittent and perennial streams.)

3. A PCN is required for use of NWPs 3(a), 3(c), 5, 6, 13, 19, 33, and 41 for impacts to 0.1 acre or more of wetlands/open water and/or 100 linear feet or more of stream.

4. A PCN is required for all uses of NWPs within 2,000 feet of a National Wildlife Refuge, any National Park Service property, a National Estuarine Research Reserve, a Georgia State Park, or an approved mitigation bank.

C. The Following Information Must be Submitted for a PCN to be Considered Complete: (NOTE: The 45-day NWP process will not begin until a complete PCN is received by the Savannah District)

1. A complete PCN (Appendix B).

2. All information required at NWP General Condition (GC) 32(b), “Contents of a Pre- Construction Notification.”

3. The U.S. Fish and Wildlife Service "Initial Project Scoping (IPaC)” printout identifying federally-listed threatened and endangered species that may occur in the vicinity of the project site. http://ecos.fws.gov/ipac/

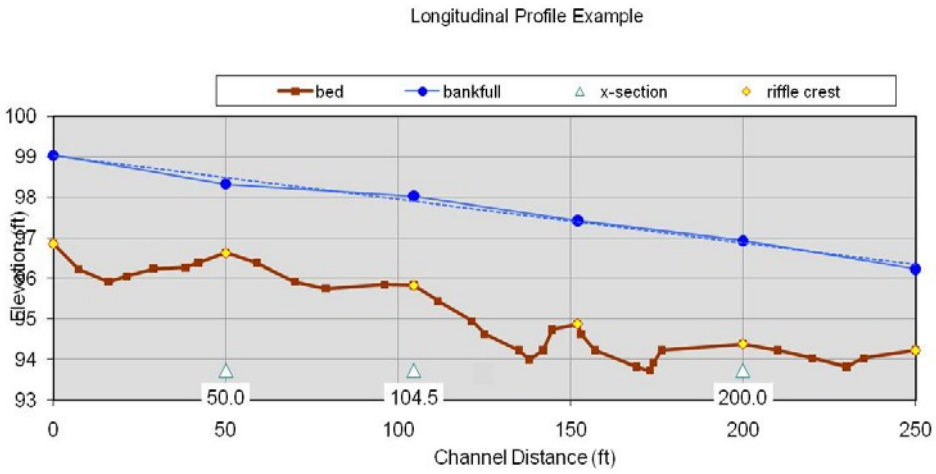
4. All PCNs for projects with a culverted crossing of a perennial stream shall provide the following information: (NOTE: See Section E below for additional culvert design information.)

a. Culvert type and size.

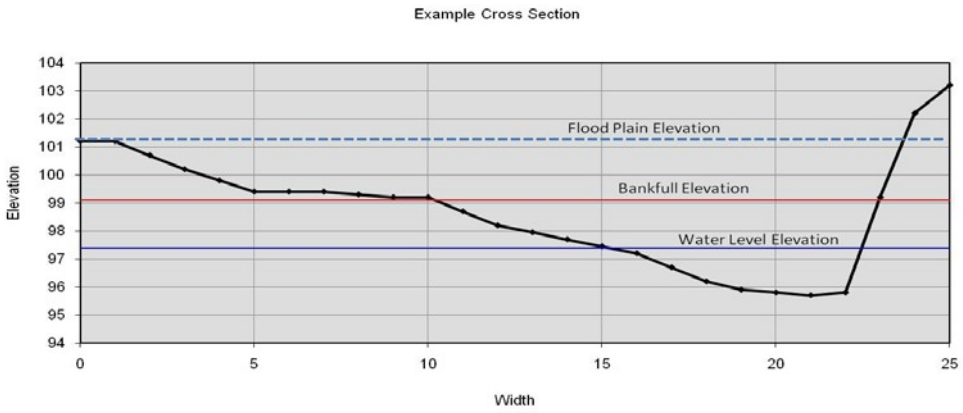
b. Depth the culvert inlet and outlet culvert will be embedded in the stream bottom.

c. Designed culvert slope along the stream channel.

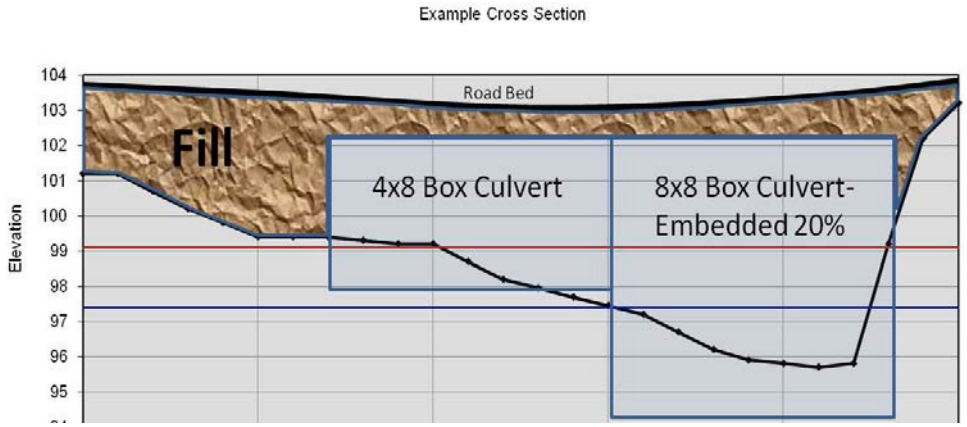
d. A profile of the stream bottom (longitudinal profile) beginning at least 50 feet upstream of the culvert inlet and continuing at least 50 feet downstream of the culvert outlet. Profile measurements shall begin at the head of a riffle and end at the head of a riffle. The change in elevation from head of riffle to head of riffle can be used for the designed slope.



e. One cross-sectional scale diagram of the stream channel and banks. For new culverts, the cross-section will be measured at the middle of the proposed culvert location. For culvert replacement or extensions, the cross-section will be measured approximately 100’ upstream of the project site. The cross-sections shall depict the stream width and height at the current water elevation, bank-full elevation and flood-plain elevation. The X and Y axis on this diagram must be at the same scale.



f. A scale cross-sectional diagram showing proposed as-built conditions, including location of the culvert in the channel, channel bottom elevation, road surface and areas of cut and fill. This diagram shall represent the middle cross-section. The X and Y axis on this diagram must be at the same scale.



5. A PCN for a project that includes the construction of a storm water detention/retention facility in waters of the U.S. must also include the following information:

a. A clear statement of the basic (primary) purpose of the detention/retention facility.

b. A description of the upland-based facility/system that will be utilized to pre-treat storm water prior to discharge into the in-stream/wetland detention/retention facility.

c. A detailed alternatives analysis pursuant to the Section 404(b)(1) Guidelines of the Clean Water Act. This analysis must demonstrate that all other available storm water and sediment/erosion treatment controls will be implemented and that in-stream detention/retention is the only available practicable alternative that would meet the basic project purpose. This analysis shall also include all project site specific factors that may render other storm water detention/retention measures impractical.

6. A PCN for a new utility line project or new linear transportation project must include the following information:

a. A map depicting all waters of the U.S. located in or directly adjacent to the right-of-way of the total linear project. (NOTE: The term total linear project is discussed in the NWP definition of "single and complete linear project."

b. A map depicting the location of each "single and complete linear project" and all other work occurring in waters of the U.S. along the right-of-way for the total linear project. This map shall clearly identify the type of work that would occur in waters of the U.S., including access roads and substations.

c. A description of all work and resulting losses of and impacts to waters of the U.S.

7. A PCN for use of NWPs 3(b), 16, 19 and 35 must include a "Tier I" evaluation, in accordance with the Inland Testing Manual. The "Tier I" evaluation must contain adequate information necessary to document whether there is "reason to believe" that the material to be dredged may be contaminated. If the Savannah District determines that "Tier II" testing is necessary, the PCN will not be considered complete until a "Tier II" testing report is submitted. The Inland Testing Manual is available at https://www.epa.gov/sites/production/files/2015-08/documents/inland_testing_manual_0.pdf

8. A PCN for use of NWP 43, for a new facility, must include a maintenance dredging plan.

9. The intent of the activity specific RCs listed below for culverts, utility lines, and roads is to ensure that NWP verifications result in minimal impacts to aquatic resources. In cases where a proposed project cannot be constructed as required by a RC, there may be an acceptable alternative construction technique that could be used to ensure impacts to aquatic resources remain minimal. In cases where use of an alternative technique is requested, the PCN must include the following information: (a) a detailed discussion of why the activity-specific RC cannot be met; and (b) adequate scientific or engineering information necessary to document that the proposed alternative construction technique would achieve equal or better aquatic resource impact avoidance as the RC. Based on information provided in the PCN, the Corps will determine whether or not the project would comply with the RC.

D. General Restrictions:

1. The use of proposed NWP 53 (Removal of Low Head Dams) is prohibited in the State of Georgia.

2. NWPs cannot be used to authorize a storm water detention/retention facility in a perennial stream. A Department of the Army standard permit application is required for these projects. NWPs cannot be used to authorize a storm water

detention/retention facility in a state designated trout stream or water. A Department of the Army standard permit application is required for these projects.

3. NWPs cannot be used to authorize projects that would impact compensatory mitigation sites or an approved compensatory mitigation bank, unless that project's purpose is to enhance the mitigation site or bank. A Department of the Army standard permit application is required for these projects.

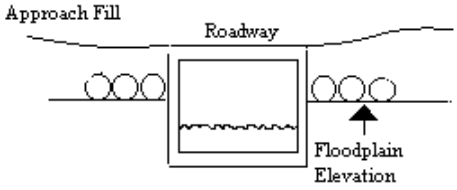
4. No work shall be conducted under any NWP that requires discharge of wet or otherwise uncured concrete below the ordinary high water mark, unless the concrete is contained within waterproof forms until the concrete cures.

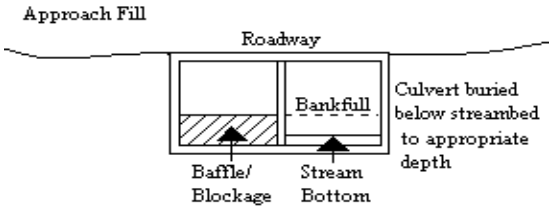
5. Use of NWPs 12**,** 14, 23, 33, 43 and 44 is prohibited for any project in waters of the U.S. that support anadromous fish, or in those waters that previously supported such fish and where restoration of fish migrations and populations is possible. The established limits for these waters are listed in the attached Appendix C and include adjacent and tributary waters located within 1,000 feet of these identified waters. This prohibition does not apply to NWP 12 projects that would not involve a discharge of dredged or fill material or mechanized land clearing in waters (i.e. directional bore line installation and overhead utility crossings). A waiver from this condition will be considered on a case-by-case basis, in coordination with the National Marine Fisheries Service. A waiver may be granted when it is determined that the project would have minimal impact on anadromous fish or their restoration.

E. Culvert Restrictions for Perennial Streams:

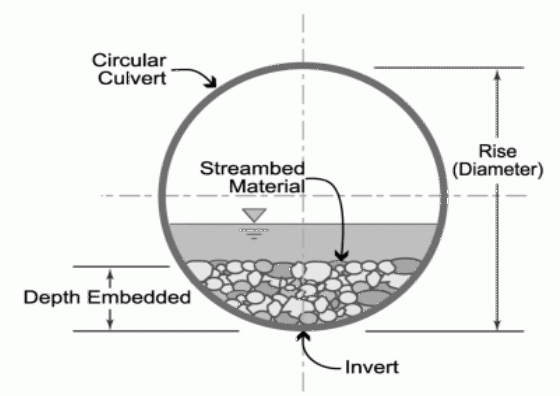
1. The width of the base flow culvert(s) shall be approximately equal to the average channel width. Culvert(s) shall not permanently widen/constrict the channel or reduce/increase stream depth. Multiple pipe/culverts may not be used to receive base flows.

2. Bank-full flows shall be accommodated through maintenance of the existing bank-full cross-sectional area.





3. The upstream and downstream invert of culverts (except bottomless culverts) installed in perennial streams will be buried/embedded to a depth of 20% of the culvert height to allow natural substrate to colonize the structure’s bottom and encourage fish movement.



4. Culvert slope shall be consistent with average stream segment slope, but shall not exceed 4 percent.

5. Culverts shall be of adequate size to accommodate flooding and sheet flow in a manner that does not cause flooding of associated uplands or disruption of hydrologic characteristics that support aquatic sites on either side of the culvert.

6. Where adjacent floodplain is available, flows exceeding bank-full shall be accommodated by installing an equalizer culvert at the floodplain elevation.

7. Unless specifically described in the PCN, use of undersized culvert to attain storm water management or waste treatment is not authorized.

8. See Appendix D for additional culvert design information.

F. Utility Line Activity Regional Conditions:

1. For the purpose of calculating cumulative loss of waters of the U.S. that would result from the construction of access roads, pump-stations and substations associated with a total linear project authorized by a NWP, the geographic area of consideration is an individual "State of Georgia Hydrologic Map Cataloging Unit (8-Digit HUC)." A total linear project includes all individual single and complete crossings of Waters of the U.S. and associated access roads, pump-stations, and substations. A total linear project includes the main line located between the beginning and end of a proposed aerial or buried utility line project, as well as all lateral lines to be connected to the main line. Cumulative loss of waters of the U.S. includes all utility line access/maintenance roads associated with the total linear project within an 8-Digit HUC, and cannot exceed the loss of 10 acres of wetlands and/or 1500 linear feet of stream. For cumulative loss calculations, the acreage of stream loss is not included in the 10 acre wetland limit.

2. Wetland/stream crossings must be located and aligned to minimize the length of crossings, and/or to minimize impacts to wetlands/streams.

3. For buried utility lines subject to Federal Energy Regulatory Commission (FERC) standards, the right-of-way corridor (i.e., impact area) cannot exceed the width as required by FERC standards. For all other buried utility lines, the width of the right-of-way corridor (i.e., impact area) cannot exceed 50 feet in wetlands.

4. Construction of individual pump stations that are associated with utility lines are limited to 0.1 acre of wetland impact; substations cannot be constructed within the banks of a stream.

5. Excavated material that is temporarily side-cast in waters of the U.S. shall be returned to the trench or removed within 60 days, unless a 30-day extension is requested and approved by the Corps.

6. Anti-seep collars, or other structures designed to prevent under-draining, will be installed on all buried utility lines in wetlands. If no anti-seep/drain device(s) is proposed, the applicant must provide information documenting why such a device is not required to prevent wetland drainage.

7. Isolation methods will be used to install utility lines in perennial streams. Isolation methods shall be done in stages, so that downstream reaches are not dewatered. Pumped diversion shall not be used where there are fish passage concerns; before pumping water from the work area, fish shall be salvaged from the isolated area and returned safely to the downstream portion of the watercourse. The area where the pump discharges shall be lined with clean rock to prevent erosion and release of suspended sediments downstream. Streambanks shall be stabilized with geotextile fabric, at a minimum, before the isolation methods are removed.

G. Road Crossing Regional Conditions:

1. The cumulative loss of waters of the U.S. that would result from construction of the total linear road project in a “State of Georgia Hydrologic Map Cataloging Unit (8-Digit HUC) cannot exceed 10 acres of wetlands and/or 1,500 linear feet of stream. For interstate highways, state highways, county roads, urban and suburban roads, and other similar road projects, the total linear project includes all individual single and complete crossings of waters of the U.S. that are located between the beginning and end of the proposed road. For subdivisions, industrial parks and other similar developments, a total linear project includes all individual single and complete crossing of waters of the U.S. that are located within the development. For cumulative loss calculations, the acreage of stream loss is not included in the 10-acre wetland cumulative loss limit.

2. An individual road crossing cannot result in the loss of more than 300 linear feet of perennial stream.

3. An individual road crossing must begin on an existing natural high ground area (upland) and end on existing natural high ground.

4. Road-side ditches and medians associated with construction of an overall linear transportation project must be designed to prevent drainage of wetlands, and finished road elevations cannot be lower than surrounding wetlands.

H. Mitigation:

1. The Corps has discretion to determine the loss in aquatic function that would occur because of regulated activities authorized by NWP, and the type and amount of compensatory mitigation needed to offset this loss. A compensatory mitigation plan is required for NWP projects that result in an adverse impact to 0.1 acre or more of wetlands and/or 100 linear feet or more of non- tidal stream. For a total linear project, if the sum of impacts from all individual single and complete projects meets or exceeds 0.1 acre of wetland and/or 100 linear feet of stream, mitigation is required for all impacts that would result from construction of the total linear project.

2. The preferred form of compensatory mitigation for NWP authorized projects is the purchase of stream and/or wetland credits from a Corps' approved commercial mitigation bank. The mitigation bank(s) proposed for a NWP authorized project must comply with Savannah District's most recent credit purchase guidance. Credits purchased prior to Corps approval may not be accepted.

3. The amount and type of compensatory mitigation proposed for NWP authorized projects must comply with General Condition 23 (Mitigation) of the NWP Program; Savannah District's most recent guidance on compensatory mitigation requirements; and the 2008 Final Compensatory Mitigation Rule (33 CFR Parts 325 and 332).

4. All impacts to wetlands must be calculated and reported in acres. Stream impacts must be calculated separately and reported in both linear feet and acres.

I. NWP Specific Regional Conditions:

1. NWP 4. Use of mechanized harvesting devices is prohibited.

2. NWP 7. Associated intake structures must employ the best practicable means to minimize entrainment or impingement of fish and other aquatic life, and the inflow velocity of intake structures is limited to not more than 0.5 foot per second.

3. NWP 37. All projects authorized under NWP 37 must be under construction or under contract for construction within 2 year of authorization. This NWP cannot be used for projects that involve removal of debris other than in the immediate up and downstream reaches (300 feet) adjacent to bridges and other stream crossings; bank clearing which involves complete removal of trees and/or removal of logs/dead trees which are buried in the bank; channel deepening beyond original bottom; and/or levee construction.

4. NWP 41.

a. Use of NWP 41 is prohibited for projects that would cause or perpetuate drainage of wetlands or other waters of the U.S., and/or result in the removal or modification of riparian vegetation that provides shade, bank stabilization, nutrients, cover, or other features that are beneficial to fish and wildlife.

b. This NWP does not authorize work in natural streams that have been subjected to some previous channelization.

c. Excavated materials shall be removed from the site. However, excavated materials may be placed on existing adjacent berms or on other previously used disposal sites, provided no additional wetlands are impacted and the material is stabilized to prevent erosion.

5. NWP 43. A storm water management facility cannot result in the loss of more than 1/3 acre of wetlands. Cumulative project-related wetland impacts, including permanent, temporary, and/or secondary impacts (e.g., temporary storm water retention) are limited to 1 acre of wetlands. Impacts that result in the conversion of forested wetlands to a scrub shrub, emergent or some other shallow water wetland community are not considered temporary and/or secondary.

6. NWP 45. All work verified under this NWP must be completed within two years of the storm, flood, fire or other discrete event. If after two years from the discrete event, the authorized activities have not been completed, the permittee must submit a PCN requesting authorization under a new NWP. This NWP only authorizes activities within two years of the discrete event.

7. NWP 54.

a. The primary purpose for the living shoreline must be for erosion control on adjacent uplands.

b. Groins, submerged breakwaters, and sills are not authorized in tidal waters.

c. Structures and fill areas in tidal waters cannot extend more than 5 feet past mean low water (MLW).

d. Oyster shell must be cured (air dried) a minimum of 6 months and be free from oyster flesh.

e. Signs indicating that the project area is closed to shellfish harvesting must be posted in accordance with Georgia DNR/CRD specifications as described in Appendix E.

Appendices:

A. Georgia DNR Requirements and Notification Procedures
B. Pre-Construction Notification
C. Anadromous Fish Waters in Georgia
D. USFWS Culvert Design Information
E. Georgia DNR Shellfish Harvest Prohibited Area Sign Specifications

Useful Websites:

http://npgallery.nps.gov/nrhp
http://ecos.fws.gov/ipac/
http://www.habitat.noaa.gov/protection/efh/
www.gaswcc.org.
www.fema.gov/
http://crd.dnr.state.ga.us/
http://cfpub.epa.gov/surf/locate/index.cfm
www.dnr.state.ga.us
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